

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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) No. 03 MDL 1570 (GBD/FM)  
) ECF Case  
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This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 02-CV-6977

**DEFENDANT AL HARAMAIN ISLAMIC FOUNDATION, INC. (USA)  
ANSWER TO SIXTH AMENDED COMPLAINT**

Defendant Al Haramain Islamic Foundation, Inc. (USA) (“AHIF-USA”), through undersigned counsel, and pursuant to Rule 12, Fed. R. Civ. P., hereby submits its Answer to Plaintiffs’ Sixth Amended Complaint (“Complaint”).

**Introduction**

1. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

**Jurisdiction and Venue**

2. AHIF-USA denies that this court has subject matter jurisdiction over AHIF-USA under 28 U.S.C. § 1331, 18 U.S.C. § 1350 (Alien Tort Claims Act), and 18 U.S.C. §§ 2334 and 2338 (Anti-Terrorism Act). AHIF-USA denies that jurisdiction over plaintiffs’ claims against AHIF-USA is proper under 28 U.S.C. §§ 1330(a), 1332(a)(2), and 1605, because those provisions apply solely to actions against foreign states.

3. AHIF-USA denies that venue is proper under the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101 or under 28 U.S.C. § 1391(b)(2). AHIF-USA denies that venue is proper under 28 U.S.C. § 1391(f)(1), because that provision applies solely to

actions against foreign states.

4. AHIF-USA denies that subject matter jurisdiction is proper under 28 U.S.C. § 1605(a)(5) or 1605(a)(7) because those provisions apply solely to actions against foreign states.

**Factual Allegations Against Defendants**

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294. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

295. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

296. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

297. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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299. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

300. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

301. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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311. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

312. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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314. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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323. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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325. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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331. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

332. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

333. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

334. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

335. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

336. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

337. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

338. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

339. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

340. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

341. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

342. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

343. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

344. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

345. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

346. AHIF-USA denies the allegations in paragraph 346 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

347. AHIF-USA denies that AHIF-USA is “controlled primarily from al-Haramain’s headquarters in Riyadh, Saudi Arabia,” or that it has “been exposed for providing direct and material support to al Qaeda.” AHIF-USA admits that Aqeel al-Aqeel and Mansour al-Kadi were formerly officers of AHIF-USA. AHIF-USA admits that the United States government has designated two groups in Bosnia and Somalia affiliated with al-Haramain (Saudi Arabia) as terrorist entities. AHIF-USA denies all other allegations in paragraph 347 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

348. AHIF-USA denies the allegations in paragraph 348 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

349. AHIF-USA admits that AHIF-USA is incorporated and registered to do business in Oregon. AHIF-USA denies the remaining allegations in paragraph 348 insofar as they refer to AHIF-USA, Soliman H.S. al-Buthe, or Perouz Seda Ghaty. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

350. AHIF-USA denies the allegations in paragraph 350 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

351. AHIF-USA denies the allegations in paragraph 351 insofar as they refer to AHIF-



USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

352. AHIF-USA denies the allegations in paragraph 352 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

353. AHIF-USA denies the allegations in paragraph 353 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

354. AHIF-USA admits that al-Haramain (Saudi Arabia) maintains a website, but denies the allegations in paragraph 354 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

355. AHIF-USA denies the allegations in paragraph 355 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

356. AHIF-USA denies the allegations in paragraph 356 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

357. AHIF-USA denies the allegations in paragraph 357 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

358. AHIF-USA denies the allegations in paragraph 358 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all

other allegations contained in this paragraph.

359. AHIF-USA denies the allegations in paragraph 359 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

360. AHIF-USA denies the allegations in paragraph 360 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

361. AHIF-USA denies the allegations in paragraph 361 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

362. AHIF-USA denies the allegations in paragraph 362 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

363. AHIF-USA denies the allegations in paragraph 363 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

364. AHIF-USA denies that AHIF-USA is a business entity of al-Haramain (Saudi Arabia), and avers that “al-Haramain [sic] Foundation” and the “al-Haramain [sic] Islamic Foundation” are assumed business names of AHIF-USA under Oregon law, and denies that they are business entities of al-Haramain (Saudi Arabia). AHIF-USA denies that it, al-Haramain [sic] Foundation, or al-Haramain [sic] Islamic Foundation, are one and the same as al-Haramain’s office in Riyadh, Saudi Arabia. AHIF-USA admits that Aqeel al-Aqeel and Mansour al-Kadi were formerly officers of AHIF-USA. AHIF-USA denies the remaining allegations in paragraph

364, including that it is specifically linked to al Qaeda operations.

365. AHIF-USA denies that its Year 2000 Form 990 states that “it operates an Islamic center in Springfield, Missouri;” instead, its Year 2000 Form 990 states that “Prayer houses are located in Ashland, Ore. and Springfield, Mo.,” and the Springfield prayer house is operated by a separate group. AHIF-USA denies that the property in Springfield, Missouri is owned by al-Haramain (Saudi Arabia). AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in paragraph 365, to the extent an additional response is required.

366. AHIF-USA denies the allegations in paragraph 366 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

367. AHIF-USA denies the allegations in paragraph 367 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

368. AHIF-USA denies the allegations in paragraph 368 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

369. AHIF-USA denies the allegations in paragraph 369 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

370. AHIF-USA denies the allegations in paragraph 370 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

371. AHIF-USA denies the allegations in paragraph 371 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

372. AHIF-USA denies the allegations in paragraph 372 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

373. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

374. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

375. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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404. AHIF-USA does not possess sufficient knowledge or information to admit or

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406. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

407. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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411. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

412. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

413. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

414. AHIF-USA denies the allegations in paragraph 414 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

415. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

416. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

417. AHIF-USA denies the allegations in paragraph 417 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

418. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

419. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

420. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

421. AHIF-USA denies the allegations in paragraph 421 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

422. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

423. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

424. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

425. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.



426. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

427. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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436. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

437. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

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444. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

445. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

446. AHIF-USA denies the allegations in paragraph 446 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

447. AHIF-USA denies the allegations in paragraph 447 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

448. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

449. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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458. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

459. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

460. AHIF-USA denies the allegations in paragraph 460 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

461. AHIF-USA denies the allegations in paragraph 461 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

462. AHIF-USA denies the allegations in paragraph 462 insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

## **CLAIMS**

### **Count One — Wrongful Death**

463. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

464. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

465. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

466. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

467. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count One against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

**Count Two — Survival**

468. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

469. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

470. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

471. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Two against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

**Count Three — Assault & Battery**

472. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

473. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

474. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

475. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Three against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

**Count Four — Anti-Terrorism Act**

476. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

477. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

478. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

479. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Four against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

#### **Count Five – Torture Victim Protection Act**

480. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

481. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

482. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

483. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. AHIF-USA denies that plaintiffs are entitled to any of the

relief requested in their prayer for relief under Count Five against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

**Count Six — Foreign Sovereign Immunities Act**

484. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

485. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

486. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

487. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

488. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

489. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

490. Count Six only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

#### **Count Seven — Punitive Damages**

491. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

492. No response is required to the allegations in this paragraph because the Punitive Damages cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Seven against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

#### **Count Eight — Property Damage**

493. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

494. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.



495. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Eight against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Jury Demand**

Plaintiffs' statement regarding a jury trial and jury demand contain no allegations to which a response is required.

Each and every allegation in plaintiffs' complaint that has not been specifically admitted is hereby denied.

### **FIRST AFFIRMATIVE DEFENSE**

(Failure to State a Claim)

Plaintiffs' claims fail to state a claim against AHIF-USA for which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

(Causation)

There is no causal connection between any of AHIF-USA's activities and plaintiffs' injuries.

### **THIRD AFFIRMATIVE DEFENSE**

(Causation)

No act or omission of any agent, servant, or employee of AHIF-USA proximately caused any harm or damage to plaintiffs.

**FOURTH AFFIRMATIVE DEFENSE**

(Causation)

AHIF-USA's activities were not the proximate cause of any harm or damage to plaintiffs.

**FIFTH AFFIRMATIVE DEFENSE**

(Scienter)

Plaintiffs fail to adequately allege scienter on AHIF-USA's part.

**SIXTH AFFIRMATIVE DEFENSE**

(Other Tortfeasors)

Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

**SEVENTH AFFIRMATIVE DEFENSE**

(Improper Venue)

This Court is not the proper venue for plaintiffs' claims against AHIF-USA.

**EIGHTH AFFIRMATIVE DEFENSE**

(Subject Matter Jurisdiction)

This Court does not have subject matter jurisdiction over plaintiffs' claims against AHIF-USA.

**NINTH AFFIRMATIVE DEFENSE**

(Personal Jurisdiction)

This Court does not have personal jurisdiction over plaintiffs' claims against AHIF-USA.

**TENTH AFFIRMATIVE DEFENSE**

(Estoppel)

Plaintiffs are estopped from receiving the relief requested against AHIF-USA.

**ELEVENTH AFFIRMATIVE DEFENSE**

(Statute of Limitations)

Plaintiffs' claims against AHIF-USA are barred, in whole or in part, by the applicable statute of limitation(s).

**TWELFTH AFFIRMATIVE DEFENSE**

(Punitive Damages)

Plaintiffs' claims for punitive damages against AHIF-USA are barred because AHIF-USA's activities, as alleged by plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of AHIF-USA's activities in any way were intended to, or did harm, the plaintiffs in this action.

**THIRTEENTH AFFIRMATIVE DEFENSE**

(Joint or Several Liability)

Defendant is not liable for plaintiffs' damages based on the doctrines of several liability

and/or combined or comparative fault, under N.Y. C.P.L.R. § 1601 *et seq.*

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

(No Double Recovery)

Plaintiffs have waived their claims based on the doctrine disallowing double recovery and/or the doctrine of election of remedies.

#### **FIFTEENTH AFFIRMATIVE DEFENSE**

(Collateral Source)

Plaintiffs have waived their claims based on the collateral source doctrine.

#### **SIXTEENTH AFFIRMATIVE DEFENSE**

(Subrogation)

Plaintiffs have waived their claims based on the doctrine of subrogation and/or the doctrine of equitable subrogation.

#### **SEVENTEENTH AFFIRMATIVE DEFENSE**

In response to plaintiffs' claims, AHIF-USA intends to invoke any other defenses, including affirmative defenses, as they may become apparent through discovery, and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses.

AHIF-USA requests that the Plaintiffs' Sixth Amended Complaint be dismissed with

prejudice as to AHIF-USA, and that the Court award attorney's fees and costs to AHIF-USA in defending against a case with no factual or legal basis against AHIF-USA, and award any other relief that the Court deems just under the circumstances.

Respectfully submitted,

/S/ Lynne Bernabei

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Attorneys for Defendant  
Al Haramain Islamic Foundation, Inc.

Dated: October 15, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2010, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

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Alan R. Kabat